

**Notice of Allowability**

Application No.

09/613,170

Examiner

Anish Gupta

Applicant(s)

UEDA ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-22-05.
2. ☒ The allowed claim(s) is/are 15-22,24 and 26-30.
3. ☒ The drawings filed on 3-27-02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7-10-00
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ANISH GUPTA 5/1/05  
PATENT EXAMINER

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tanya Arenson on 5-9-05.

The application has been amended as follows:

The first line of the Specification has been amended as follows:

This is a Divisional of co-pending application Serial No. 08/840,006 file don April 15, 1997, now U.S. Patent No. 6,127,520.

Claims 23 and 25 have been canceled.

Claim 15, 19 and 29-30 have been amended as follows:

15. A method for assessing overcoming synaptic vesicle glutamate uptake inhibition activity, comprising

a) providing:

i) synaptic vesicles,

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ii) a composition comprising a purified fodrin fragment having glutamate uptake inhibition activity, said fragment having an N-terminus and a C-terminus, wherein said N-terminus is Tyr26 of fodrin, and

iii) a candidate compound; and

b) combining said candidate compound with said synaptic vesicles and said fragment such that the effect of said candidate compound on glutamate uptake by said vesicle can be assessed.

19. A method for assessing overcoming synaptic vesicle glutamate uptake inhibition activity, comprising

a) providing:

i) synaptic vesicles,

ii) a composition comprising a purified fragment of IPF having synaptic vesicle glutamate uptake inhibition activity, said fragment having an N-terminus and a C-terminus, wherein said N-terminus is Tyr26 of fodrin, and

iii) a candidate compound; and

b) combining said candidate compound with said synaptic vesicles and said fragment such that the effect of said candidate compound on glutamate uptake by said vesicle can be assessed.

In claim 29, line 2, after the phrase “amino acid sequence YHRFKELSTL” the following has been added:

-- (SEQ. ID. NO: 3) --

In claim 30, line 2, after the phrase “amino acid sequence YHRFKELSTLRRQKLEDSYR” the following has been added:

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-- (SEQ. ID. NO: 4) --

### **Reasons For Allowance**

The following is an examiner's statement of reasons for allowance:

The claims are drawn to a method of assessing overcoming synaptic vesicle glutamate uptake inhibition activity of a candidate compound in the presence of fragment of fodrin as claimed. The fragments utilized were allowed in Patent No. 6,127,520 (see claim 1 of the US Patent and Claim 1 of the instant application). The MPEP states that once a determination as to the patentability of the product has been reached, any process claim which contains limitations identical to the allowed/allowable product is also found to be allowable (See MPEP 821.04). Since the fragments utilized in the methods are novel and unobvious and were Patented in US 6,127,520, the methods of the instant claims are also novel and unobvious over the prior art.

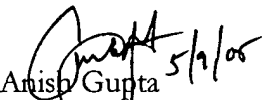
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (571)272-0965. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campbell, can normally be reached on (571) 272-0974. The fax phone number of this group is (571)-273-8300.

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Anish Gupta 5/2/08  
Primary Patent Examiner